

Appl. No. 10/740,261
Docket No. 9475
Amdt. dated May 8, 2008
Reply to Office Action mailed on March 10, 2008
Customer No. 27752

REMARKS

Claim Status

Applicant's legal representative, C. Brant Cook, thanks the Examiner for briefly discussing this application during a telephonic interview on May 7, 2008. The amendment to Claim 1 was discussed.

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that the layer comprising the mixture of short cellulosic fibers and synthetic fibers is disposed in a non-random pattern of different basis weight. Support for the amendment is found in the Specification, especially in Fig. 10.

Claims 1-6, 8-15, and 18-20 are pending in the present application. No additional claims fee is believed to be due.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102(b)/103(a) Over U.S. Patent No. 5,538,595

Claims 1, 5, 6, and 18-20 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by or, in the alternative, under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,538,595 to Trokhan, et al. ("Trokhan"). The Examiner asserts that Trokhan discloses that its fibrous structure is pattern densified and thus comprises a non-random pattern as illustrated in the Figures.

Applicants respectfully submit that Trokhan fails to teach each and every element of Claim 1, the independent claim, as amended, because Trokhan fails to teach a fibrous structure that comprises at least two layers, wherein at least one of the layers is disposed in a non-random pattern of different basis weight. Accordingly, Applicants submit that Claim 1, as amended, is not anticipated by nor rendered obvious over Trokhan. Further, Applicants submit that Claims 5, 6 and 18-20, which ultimately depend from Claim 1, as amended, are not anticipated by nor rendered obvious over Trokhan for the same reasons that Claim 1, as amended, is not anticipated by nor rendered obvious over Trokhan.

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Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595

in view of U.S. Patent No. 6,548,731

Claims 2 and 3 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan, discussed above, and further in view of U.S. Patent No. 6,548,731 to Mizutani, et al. ("Mizutani"). The Examiner recognizes that Trokhan fails to teach a specific fiber length ratio between its synthetic fibers and its short fibers. The Examiner asserts that Mizutani overcomes the deficiencies with Trokhan by teaching a synthetic fiber to short fiber ratio of between about 1 and about 13.

Applicants respectfully submit that Claims 2 and 3, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan in view of Mizutani for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595

in view of WO 93/14267

Claims 4, 8-12 and 15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan, discussed above, and further in view of WO 93/14267 to Manning ("Manning"). The Examiner recognizes that Trokhan fails to teach the claimed properties within Claims 4, 8-12 and 15. The Examiner asserts that Manning overcomes the deficiencies with Trokhan by teaching a fibrous structure that exhibits the claimed properties of Claims 4, 8-12 and 15.

Applicants respectfully submit that Claims 4, 8-12 and 15, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan in view of Manning for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan. MPEP 2143.03.

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Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595

in view of U.S. Patent No. 4,202,959

Claims 9 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan, discussed above, and further in view of U.S. Patent No. 4,202,959 to Henbest, et al. (“Henbest”). The Examiner asserts that Trokhan fails to teach synthetic fibers having the claimed synthetic fiber diameter and length. The Examiner further asserts that Henbest overcomes the deficiencies of Trokhan by teaching synthetic fibers having the claimed synthetic fiber diameter and length.

Applicants respectfully submit that Claim 9, which ultimately depends from Claim 1, as amended, is not rendered obvious over Trokhan in view of Henbest for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595

in view of U.S. Patent No. 5,405,499 or U.S. Patent No. 5,409,572

Claims 13 and 14 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan, discussed above, and further in view of anyone of U.S. Patent No. 5,405,499 to Vinson (“Vinson”) or U.S. Patent No. 5,409,572 to Kershaw, et al. (“Kershaw”). The Examiner asserts that Trokhan fails to teach specific coarseness values of the mixture of short cellulosic fibers and synthetic fibers. The Examiner attempts to overcome the deficiencies of Trokhan with the teachings of Vinson and Kershaw.

Applicants respectfully submit that Claims 13 and 14, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan in view of Vinson and/or Kershaw for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan. MPEP 2143.03.

Appl. No. 10/740,261
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Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595

in view of U.S. Patent No. 5,350,624 or U.S. Patent No. 6,617,490

Claims 1, 5, 6, and 18-20 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter Trokhan, discussed above, in view of anyone of U.S. Patent No. 5,350,624 to Georger, et al. ("Georger") or U.S. Patent No. 6,617,490 to Chen, et al. ("Chen"). The Examiner asserts that Trokhan fails to teach the specific arrangement of the synthetic fibers in relation to the cellulosic fibers. The Examiner attempts to overcome the deficiencies of Trokhan by the teachings of Georger and Chen that teach that it is known in the art to dispose a layer comprising cellulosic fibers and synthetic fibers in a non-random pattern.

Applicants respectfully submit that Claims 1, 5, 6 and 18-20, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan in view of Georger and/or Chen for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595

in view of U.S. Patent No. 5,350,624 or U.S. Patent No. 6,617,490

and further in view of U.S. Patent No. 6,548,731

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Applicants respectfully submit that Claims 2 and 3, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan in view of Georger and/or Chen and further in view of Mizutani for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan. MPEP 2143.03.

Appl. No. 10/740,261
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in view of U.S. Patent No. 5,350,624 or U.S. Patent No. 6,617,490

and further in view of WO 93/14267

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Applicants respectfully submit that Claims 4, 8-12 and 15, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan in view of Georger and Chen and further in view of Manning for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan. MPEP 2143.03.

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Applicants respectfully submit that Claims 13 and 14, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan in view of Georger and Chen and further in view of Vinson and/or Kershaw for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan. MPEP 2143.03.

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Applicants respectfully submit that Claims 1, 5, 6 and 18-20, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan in view of

Appl. No. 10/740,261
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Applicants respectfully submit that Claims 4, 8-12 and 15, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan in view of Mizutani and further in view of Manning for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan. MPEP 2143.03.

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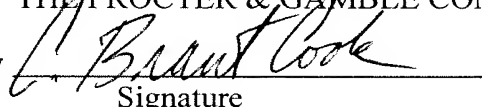
Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



Signature

C. Brant Cook

Registration No. 39,151

(513) 634-1533

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